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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE CEMENT
 MASONS HEALTH AND WELFARE TRUST
 FUND FOR NORTHERN CALIFORNIA;
 BOARD OF TRUSTEES OF THE CEMENT
 MASONS VACATION-HOLIDAY TRUST
 FUND FOR NORTHERN CALIFORNIA;
 BOARD OF TRUSTEES OF THE CEMENT
 MASONS PENSION TRUST FUND FOR
 NORTHERN CALIFORNIA; and BOARD OF
 TRUSTEES OF THE CEMENT MASONS
 TRAINING TRUST FUND FOR NORTHERN
 CALIFORNIA,

Plaintiffs,

vs.

F & M ENGINEERING CONTRACTORS,
 INC., a California corporation; and CLETUS
 MARION McCONVILLE, an Individual,

Defendants.

Case No.: C 07 0486 EDL

**STIPULATED REQUEST FOR
 DISMISSAL WITHOUT PREJUDICE OF
 DEFENDANT F&M ENGINEERING
 CONTRACTORS, INC. And
 [PROPOSED] ORDER THEREON**

BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 CALIFORNIA,

Case No.: C-07 0487 EDL

1
2
3 Plaintiffs,

4 vs.

5 F & M ENGINEERING CONTRACTORS,
6 INC., a California corporation; and CLETUS
MARION McCONVILLE, an Individual,

7 Defendants.

8 IT IS HEREBY STIPULATED by and between Plaintiffs Board of Trustees of the
9 Laborers Health and Welfare Trust Fund for Northern California, Board of Trustees of the
10 Laborers Vacation-Holiday Trust Fund for Northern California, Board of Trustees of the
11 Laborers Pension Trust Fund for Northern California and Board of Trustees of the Laborers
12 Training and Retraining Trust Fund for Northern California, and Defendant Cletus Marion
13 McConville that Defendant F&M Engineering Contractors, Inc., be dismissed from the above-
14 captioned matter without prejudice. Defendant F&M Engineering Contractors, Inc., has not
15 appeared in this action and is currently in bankruptcy.

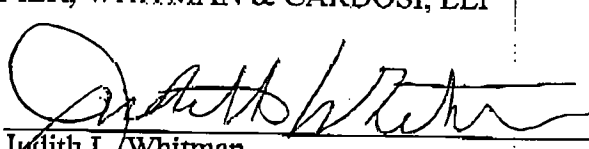
16 DATED: August 7, 2007

17 BULLIVANT HOUSER BAILEY PC

18
19 By 
20 Joye Blansett
21 Attorneys for Plaintiffs Laborers Trust Funds

22 DATED: August 7, 2007

23 DIEMER, WHITMAN & CARDOSI, LLP

24
25 By 
26 Judith L. Whitman
27 Attorneys for Defendant McConville
28

[proposed] ORDER

IT IS SO ORDERED that Defendant F&M Engineering Contractors, Inc., is dismissed without prejudice.

DATED: August _13_, 2007

By

HON. J.

UNITED STATES

